REMARKS

In response to the Office Action mailed October 4, 2006, the Applicant respectfully requests reconsideration. To further the prosecution of this Application, Applicant submits the following remarks, has canceled claims, and has amended claims. The claims as now presented are believed to be in allowable condition.

Claims 1-38 were pending in this Application. By this Amendment, claims 17 and 35 have been canceled. Applicants expressly reserve the right to prosecute at least some of the canceled claims and similar claims in one or more related Applications. Claims 1, 14, 15, 19, 32, 33, 37, and 38 have been amended. Accordingly, claims 1-16, 18-34, and 36-38 are now pending in this Application. Claims 1, 14, 15, 19, 32, 33, 37, and 38 are independent claims.

Allowed Claims

Claims 7, 9, 14, 25, 27, and 32 were objected to as being dependent on a rejected base claim but were deemed allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Applicant has rewritten claims 14 and 32 to include all of the limitations of the base claim and any intervening claims. Accordingly, claims 14 and 32 are now in allowable condition.

Applicant reserves the right to amend claims 7, 9, 25, and 27, as offered in the Office Action. However, Applicant will defer such a decision until Applicant receives a reply to Applicant's request for reconsideration of claims 1, 6, 8, 19, 24, and 26.

Rejections under §102 and §103

Claims 1-5, 12-13, 17-23, 30-31, and 35-38 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,993,508 (Major, et al.). Claims

16 and 34 were rejected under 35 U.S.C. §103(a) as being unpatentable over <u>Major</u> in view of no additional prior art. Claims 6, 8, 10-11, 24, 26, and 28-29 were rejected under 35 U.S.C. §103(a) as being unpatentable over <u>Major</u> in view of U.S. Patent Application Publication No. 2003/0079038 (Robbin, et al.).

Applicant respectfully traverses each of these rejections and requests reconsideration. The claims are in allowable condition.

<u>Major</u> discloses a method and mechanism for vending digital content (Title) via a computer network (Abstract). The system allows consumers to browse through entertainment content, select the content to be viewed, pay for the right to view that content, and view the content (Col. 3, lines 38-41). Digital Rights Management (DRM) is used to allow a user system to decrypt encrypted entertainment content "on the fly" so that no decrypted version of the content exists on a user's system at any time (Col. 3, lines 58-62).

<u>Robbin</u> discloses techniques for interactions between a host computer and a media player (Abstract).

Claims 1-6, 8, 10-13

Claim 1, as amended, recites a method within a data processing device supporting access to stored information. The method includes, receiving user-selected content data from a remote source over a network in response to a user initiated content data selection, storing the user-selected content data in a storage location associated with the data processing device, and enabling access to a first portion of the received user-selected content data in the storage location for selective retrieval, while disabling access to a second portion of the received user-selected content data in the storage location. The first portion of the received user-selected content data includes a first playable work corresponding to a first user-selection and the second portion of the received user-selected content data contains a second playable work corresponding to a second user-selection, the first and second playable works being distinct.

Disabling access to the second portion comprises forbidding a user from playing the second playable work, the second playable work otherwise being in a condition suitable to be played.

The cited reference does not teach a method, which includes enabling access to a first portion of the received user-selected content data in the storage location for selective retrieval, while disabling access to a second portion of the received user-selected content data in the storage location, wherein the first portion of the received user-selected content data includes a *first playable work corresponding to a first user-selection* and the second portion of the received user-selected content data contains a *second playable work corresponding to a second user-selection*, the *first and second playable works being distinct*. Rather, Major discloses a DRM Enabled Player process 228 which decrypts a movie "on-the-fly" (Col. 7, lines 9-22). Major also discloses that the DRM Enabled Player process 228 may allow rewinding, but may forbid rewinding more than a certain amount of time (e.g., 10 minutes) before the current position of the content (Col. 7, lines 34-43). Thus, a portion of the content is disabled (i.e., the portion further back than, e.g., 10 minutes, from the current position), while a portion of the content is enabled (i.e., the portion subsequent to, e.g., 10 minutes, before the current position). However, this feature does not disable access to a second portion, wherein the first portion of the received user-selected content data includes a *first playable work corresponding to a first user-selection* and the second portion of the received user-selected content data contains a *second playable work corresponding to a second user-selection*, the *first and second playable works being distinct*. Rather, this feature of Major enables and disables portions within a *single* playable work, corresponding to a *single* user-selection.

The cited reference also does not teach a method, which includes enabling access to a first portion of the received user-selected content data in the storage location for selective retrieval, while disabling access to a second portion of the received user-selected content data in the storage location, wherein

disabling access to the second portion comprises *forbidding a user from playing the second playable work, the second playable work otherwise being in a condition suitable to be played.* Rather, <u>Major</u> discloses that a browser 220 notifies a consumer when content is available for viewing (Col. 6, lines 47-52). Even if one set of content is available for viewing, while another set of content is still downloading, and thus, not yet available for viewing, the system of <u>Major</u> does not disable access to the portion which is not yet available for viewing. This is because the system of <u>Major</u> does not *forbid a user from playing* the unavailable content; the unavailable content is not yet *in a condition suitable to be played.*

For the reasons stated above, claim 1 patentably distinguishes over the cited prior art, and the rejection of claim 1 under 35 U.S.C. §102(e) should be withdrawn. Accordingly, claim 1 is now in allowable condition.

Because claims 2-6, 8, and 10-13 depend from and further limit claim 1, claims 2-6, 8, and 10-13 are in allowable condition for at least the same reasons. Additionally, it should be understood that the dependent claims recite additional features which further patentably distinguish over the cited prior art.

For example, claim 2 recites a method as in claim 1, wherein receiving user-selected content data from the remote source includes *receiving a portion* of user-selected content data from the remote source *in response to a user retrieving previously stored user-selected content data from the storage location.* This feature is not taught or suggested by the cited prior art. The Office Action cited the play list manager 224, Col. 7, lines 7-10, and Col. 3, lines 22-62 of <u>Major</u>. However, Applicant was unable to determine how the cited portions describe this feature. If the rejection of claim 2 is to be maintained, Applicant respectfully requests that it be pointed out with particularity where the cited prior art teaches such a *receiving a portion* of user-selected content data from the remote source *in response to a user retrieving previously stored user-selected content data from the storage location.*

As an additional example, claim 5 recites a method as in claim 1, wherein receiving user-selected content data from the remote source includes receiving at least a portion of the user-selected content data via use of a non-real-time data communication protocol, the method further comprising: in response to receipt of a user playback command, transmitting a data stream based on the user-selected content data stored in the storage location to a playback device via use of a real-time data communication protocol; *detecting that a contiguous portion of data associated with the data stream is not stored in the storage location; and transmitting the contiguous portion of data associated with the data stream to the playback device via use of a real-time data communication protocol from the remote source* instead of from the storage location in order to play back uninterrupted content data. The cited prior art does not teach *detecting that a contiguous portion of data associated with the data stream is not stored in the storage location; and transmitting the contiguous portion of data associated with the data stream to the playback device via use of a real-time data communication protocol from the remote source*. The Office Action cited Col. 3, lines 7-62 and Col. 10, lines 4-63 of Major. However, Applicant was unable to determine how the cited portions describe this feature. If the rejection of claim 5 is to be maintained, Applicant respectfully requests that it be pointed out with particularity where the cited prior art teaches *detecting that a contiguous portion of data associated with the data stream is not stored in the storage location; and transmitting the contiguous portion of data associated with the data stream to the playback device via use of a real-time data communication protocol from the remote source*.

As an additional example, claim 6 recites a method as in claim 1, further involving generating a graphical user interface for displaying an itemized list of accessible user-selected content data in the storage location, the accessible user-selected content data being selectively retrieved by a user for playback in real-time; *receiving input from the user identifying a de-selected content item* in

the itemized list of available content data; disabling user access to user-selected content data in the storage location associated with the de-selected content item; and *enabling user access to a different portion of user-selected content data in the storage location previously inaccessible to the user*. However, *receiving input from the user identifying a de-selected content item*, and *enabling user access to a different portion of user-selected content data in the storage location previously inaccessible to the user* are not taught or suggested by the cited prior art. The Office Action cited Paragraphs 0054-0057 or Robbins as showing these features. However, the cited prior art does not show these features. Robbins does teach de-selecting a media item (Paragraph 0055), however, there is no suggestion or motivation that the de-selection command is *received from the user*. Furthermore, the applicant was unable to determine how the cited prior art shows *enabling user access to a different portion of user-selected content data in the storage location previously inaccessible to the user*. If the rejection of claim 5 is to be maintained, Applicant respectfully requests that it be pointed out with particularity where the cited prior art teaches *receiving input from the user identifying a de-selected content item*, and *enabling user access to a different portion of user-selected content data in the storage location previously inaccessible to the user*.

As an additional example, claim 8 recites a method as in claim 1, further involving generating a graphical user interface for displaying an itemized list identifying locally available user-selected content data in the storage location accessible by a user for playback; *receiving a signal indicating that a first content data item* identified in the itemized list of available user-selected content data *has been retrieved by the user*, and *deleting an entry corresponding to the first content data* from the itemized list of available user-selected content *after a configurable delay* so that the user can no longer access the first content data. This feature is not taught or suggested by the cited prior art. If the rejection of claim 8 is to be maintained, Applicant respectfully requests that it be pointed out

with particularity where the cited prior art teaches *receiving a signal indicating that a first content data item has been retrieved by the user,* and *deleting an entry corresponding to the first content data* from the itemized list of available user-selected content *after a configurable delay* so that the user can no longer access the first content data.

As an additional example, claim 10 recites a method as in claim 1, further involving receiving selection information from a user identifying particular content data for retrieval from the remote source; and forwarding the selection information over the network to a request processor that collects requests for content data from multiple users, the request processor prompting distribution of content data from the remote source to the storage location accessible by the user. This feature is not taught or suggested by the cited prior art. If the rejection of claim 10 is to be maintained, Applicant respectfully requests that it be pointed out with particularity where the cited prior art teaches the features of claim 10.

As an additional example, claim 12 recites a method as in claim 1, further involving *receiving input from the user specifying a bandwidth constraint for receiving user–selected content data* over the network from the remote source for storage in the storage location; and *limiting a network bandwidth allocated for transmission of the user–selected content data* from the remote source over the network *depending on the specified bandwidth constraint.* This feature is not taught or suggested by the cited prior art. The Office Action cites Col. 2, lines 4-58 of Major as teaching this feature. However, although the cited portion discusses bandwidth, it does not teach *receiving input from the user specifying a bandwidth constraint for receiving user–selected content data,* nor does it teach *limiting a network bandwidth allocated for transmission of the user–selected content data* from the remote source over the network *depending on the specified bandwidth constraint.* If the rejection of claim 12 is to be maintained, Applicant respectfully requests that it be pointed out with particularity where the cited prior art teaches *receiving input from the user specifying a bandwidth*

constraint for receiving user–selected content data, and *limiting a network bandwidth allocated for transmission of the user–selected content data* from the remote source over the network *depending on the specified bandwidth constraint.*

Claims 19-24, 26, 28-31

Claim 19, as amended, recites a data processing device providing access to stored data. The data processing device includes a processor; a memory unit that stores instructions associated with an application executed by the processor; a communication interface that supports communication over a network; and an interconnect coupling the processor, the memory unit, and the communication interface. This enables the processor to execute the application and perform operations of: receiving user-selected content data from a remote source over the network in response to a user initiated content data selection; storing the user-selected content data in a storage location associated with the data processing device; and enabling access to a first portion of the received user-selected content data in the storage location for selective retrieval, while disabling access to a second portion of the received user-selected content data in the storage location. The first portion of the received user-selected content data includes a first playable work corresponding to a first user-selection and the second portion of the received user-selected content data contains a second playable work corresponding to a second user-selection, the first and second playable works being distinct. Disabling access to the second portion comprises forbidding a user from playing the second playable work, the second playable work otherwise being in a condition suitable to be played.

The cited reference does not teach a data processing device, which executes an application and performs an operation of enabling access to a first portion of the received user-selected content data in the storage location for selective retrieval, while disabling access to a second portion of the received

user-selected content data in the storage location, wherein the first portion of the received user-selected content data includes a *first playable work corresponding to a first user-selection* and the second portion of the received user-selected content data contains a *second playable work corresponding to a second user-selection*, the *first and second playable works being distinct*. Rather, as mentioned above in connection with claim 1, Major is directed to a DRM Enabled Player process 228 which decrypts a movie "on-the-fly" (Col. 7, lines 9-22). Major also discloses that the DRM Enabled Player process 228 may allow rewinding, but may forbid rewinding more than a certain amount of time (e.g., 10 minutes) before the current position of the content (Col. 7, lines 34-43). Accordingly, claim 19 distinguishes over the prior art for reasons similar to those presented above in connection with claim 1.

For the reasons stated above, claim 19 patentably distinguishes over the cited prior art, and the rejection of claim 19 under 35 U.S.C. §102(e) should be withdrawn. Accordingly, claim 19 is now in allowable condition.

Because claims 20-24, 26, and 28-31 depend from and further limit claim 19, claims 20-24, 26, and 28-31 are in allowable condition for at least the same reasons. Additionally, it should be understood that the dependent claims recite additional features which further patentably distinguish over the cited prior art.

Claim 37

Claim 37, as amended, recites a data processing device supporting access to stored information. The data processing device includes means for receiving user-selected content data from a remote source over a network in response to a user initiated content data selection; means for storing the content data in a storage location associated with the data processing device; and means for enabling access to a first portion of the received user-selected content data in the storage location for selective retrieval, while disabling access to a second portion of the received user-selected content data in the storage location. The

first portion of the received user-selected content data includes a first playable work corresponding to a first user-selection and the second portion of the received user-selected content data contains a second playable work corresponding to a second user-selection, the first and second playable works being distinct. Disabling access to the second portion comprises forbidding a user from playing the second playable work, the second playable work otherwise being in a condition suitable to be played.

The cited reference does not teach a data processing device, which includes means for enabling access to a first portion of the received user-selected content data in the storage location for selective retrieval, while disabling access to a second portion of the received user-selected content data in the storage location, wherein the first portion of the received user-selected content data includes a *first playable work corresponding to a first user-selection* and the second portion of the received user-selected content data contains a *second playable work corresponding to a second user-selection*, the *first and second playable works being distinct*. Rather, as mentioned above in connection with claim 1, <u>Major</u> is directed to a DRM Enabled Player process 228 which decrypts a movie "on-the-fly" (Col. 7, lines 9-22). <u>Major</u> also discloses that the DRM Enabled Player process 228 may allow rewinding, but may forbid rewinding more than a certain amount of time (e.g., 10 minutes) before the current position of the content (Col. 7, lines 34-43). Accordingly, claim 37 distinguishes over the prior art for reasons similar to those presented above in connection with claim 1.

For the reasons stated above, claim 37 patentably distinguishes over the cited prior art, and the rejection of claim 37 under 35 U.S.C. §102(e) should be withdrawn. Accordingly, claim 37 is now in allowable condition.

Claim 38

Claim 38, as amended, recites a computer program product including a computer-readable medium having instructions stored thereon for processing data information. The instructions, when carried out by a processing device, enable the processing device to perform the steps of: receiving user-selected content data from a remote source over a network in response to a user initiated content data selection; storing the content data in a storage location associated with the data processing device; and enabling access to a first portion of the received user-selected content data in the storage location for selective retrieval, while disabling access to a second portion of the received user-selected content data in the storage location. The first portion of the received user-selected content data includes a first playable work corresponding to a first user-selection and the second portion of the received user-selected content data contains a second playable work corresponding to a second user-selection, the first and second playable works being distinct. Disabling access to the second portion comprises forbidding a user from playing the second playable work, the second playable work otherwise being in a condition suitable to be played.

The cited reference does not teach a computer program product including instructions that perform a step of enabling access to a first portion of the received user-selected content data in the storage location for selective retrieval, while disabling access to a second portion of the received user-selected content data in the storage location, wherein the first portion of the received user-selected content data includes a *first playable work corresponding to a first user-selection* and the second portion of the received user-selected content data contains a *second playable work corresponding to a second user-selection*, the *first and second playable works being distinct*. Rather, as mentioned above in connection with claim 1, Major is directed to a DRM Enabled Player process 228 which decrypts a movie "on-the-fly" (Col. 7, lines 9-22). Major also discloses that the DRM Enabled Player process 228 may allow rewinding, but may forbid rewinding more than a certain amount of time (e.g., 10 minutes) before the

current position of the content (Col. 7, lines 34-43). Accordingly, claim 38 distinguishes over the prior art for reasons similar to those presented above in connection with claim 1.

For the reasons stated above, claim 38 patentably distinguishes over the cited prior art, and the rejection of claim 38 under 35 U.S.C. §102(e) should be withdrawn. Accordingly, claim 38 is now in allowable condition.

Claims 15-18

Independent claim 15 has been amended to include all the additional limitations found in deleted Dependent claim 17. Claim 15, as amended, recites a method supporting distribution of data over a network. The method includes receiving selection information over the network, the selection information identifying content data requested to be delivered to a storage device associated with a user generating the selection information; and prompting a data server device to transmit at least a portion of user-selected content data identified in the selection information for storage in the storage device, wherein the user-selected content data stored in the storage device includes more user-selected content data than the user is enabled to selectively retrieve and play back on a playback device. The method further includes initially transmitting an amount of user-selected content data for storage in the storage device that the user is enabled to selectively play back; and after detecting that at least a portion of the initially transmitted user-selected content data in the storage device has been played back by the user, prompting transmission of additional user-selected content data for storage in the storage device, the user being unable to play back the additional user-selected content data unless the user forgoes an ability to play back at least a portion of the initially transmitted user-selected content data.

The cited reference does not teach a method including *after detecting that at least a portion of the initially transmitted user-selected content data in the*

storage device has been played back by the user, prompting transmission of additional user-selected content data for storage in the storage device. If the rejection of claim 15 is to be maintained, Applicant respectfully requests that it be pointed out with particularity where the cited prior art teaches *after detecting that at least a portion of the initially transmitted user-selected content data in the storage device has been played back by the user, prompting transmission of additional user-selected content data for storage in the storage device.*

For the reasons stated above, claim 15 patentably distinguishes over the cited prior art, and the rejection of claim 15 under 35 U.S.C. §102(e) should be withdrawn. Accordingly, claim 15 is now in allowable condition.

Because claims 16-18 depend from and further limit claim 15, claims 16-18 are in allowable condition for at least the same reasons. Additionally, it should be understood that the dependent claims recite additional features which further patentably distinguish over the cited prior art.

Claims 33-36

Independent claim 33 has been amended to include all the additional limitations found in deleted Dependent claim 35. Claim 33, as amended, recites a request processing device comprising: a processor; a memory unit that stores instructions associated with an application executed by the processor; a communication interface that supports communication over a network; and an interconnect coupling the processor, the memory unit, and the communication interface. This enables the processor to execute the application and perform operations of: receiving selection information over the network, the selection information identifying content data requested to be delivered to a storage device associated with a user generating the selection information; and prompting a data server device to transmit at least a portion of user-selected content data identified in the selection information for storage in the storage device, wherein

the user-selected content data stored in the storage device includes more user-selected content data than the user is enabled to selectively retrieve and play back. Executing the application also allows the processing device to perform operations of: initially transmitting an amount of user-selected content data for storage in the storage device that the user is enabled to selectively play back; and after detecting that at least a portion of the initially transmitted user-selected content data in the storage device has been played back by the user, prompting transmission of additional user-selected content data for storage in the storage device, the user being unable to play back the additional user-selected content data unless the user forgoes the ability to play back at least a portion of the initially transmitted user-selected content data.

The cited reference does not teach a request processing device, which executes an application and performs an operation of *after detecting that at least a portion of the initially transmitted user-selected content data in the storage device has been played back by the user, prompting transmission of additional user-selected content data for storage in the storage device.* As mentioned above in connection with claim 15, if the rejection of claim 33 is to be maintained, Applicant respectfully requests that it be pointed out with particularity where the cited prior art teaches *after detecting that at least a portion of the initially transmitted user-selected content data in the storage device has been played back by the user, prompting transmission of additional user-selected content data for storage in the storage device.*

For the reasons stated above, claim 33 patentably distinguishes over the cited prior art, and the rejection of claim 33 under 35 U.S.C. §102(e) should be withdrawn. Accordingly, claim 33 is now in allowable condition.

Because claims 34-36 depend from and further limit claim 33, claims 34-36 are in allowable condition for at least the same reasons. Additionally, it should be understood that the dependent claims recite additional features which further patentably distinguish over the cited prior art.
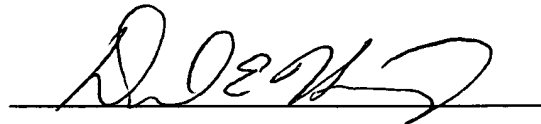
Conclusion

In view of the foregoing remarks, this Application should be in condition for allowance. A Notice to this affect is respectfully requested. If the Examiner believes, after this Amendment, that the Application is not in condition for allowance, the Examiner is respectfully requested to call the Applicant's Representative at the number below.

Applicant hereby petitions for any extension of time which is required to maintain the pendency of this case. If there is a fee occasioned by this Amendment, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50-3661.

If the enclosed papers or fees are considered incomplete, the Patent Office is respectfully requested to contact the undersigned collect at (508) 616-2900, in Westborough, Massachusetts.

Respectfully submitted,

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